

**PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA**

Project File Number, Description, and Location

PDC04-025, Planned Development Zoning from R-1-2 Single-family Residence Zoning District to A(PD) Planned Development Zoning District and subsequent permits to allow a self storage facility with RV/boat storage spaces, and a manager's office/residence, future radio transmitter building, existing transmitter/office building, and 3 radio transmission towers on a 9.91 acre site (Entravision Communications Corporation, Owner, Bay Area Self Storage, Mike Walsh, Developer). Council District: 7

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

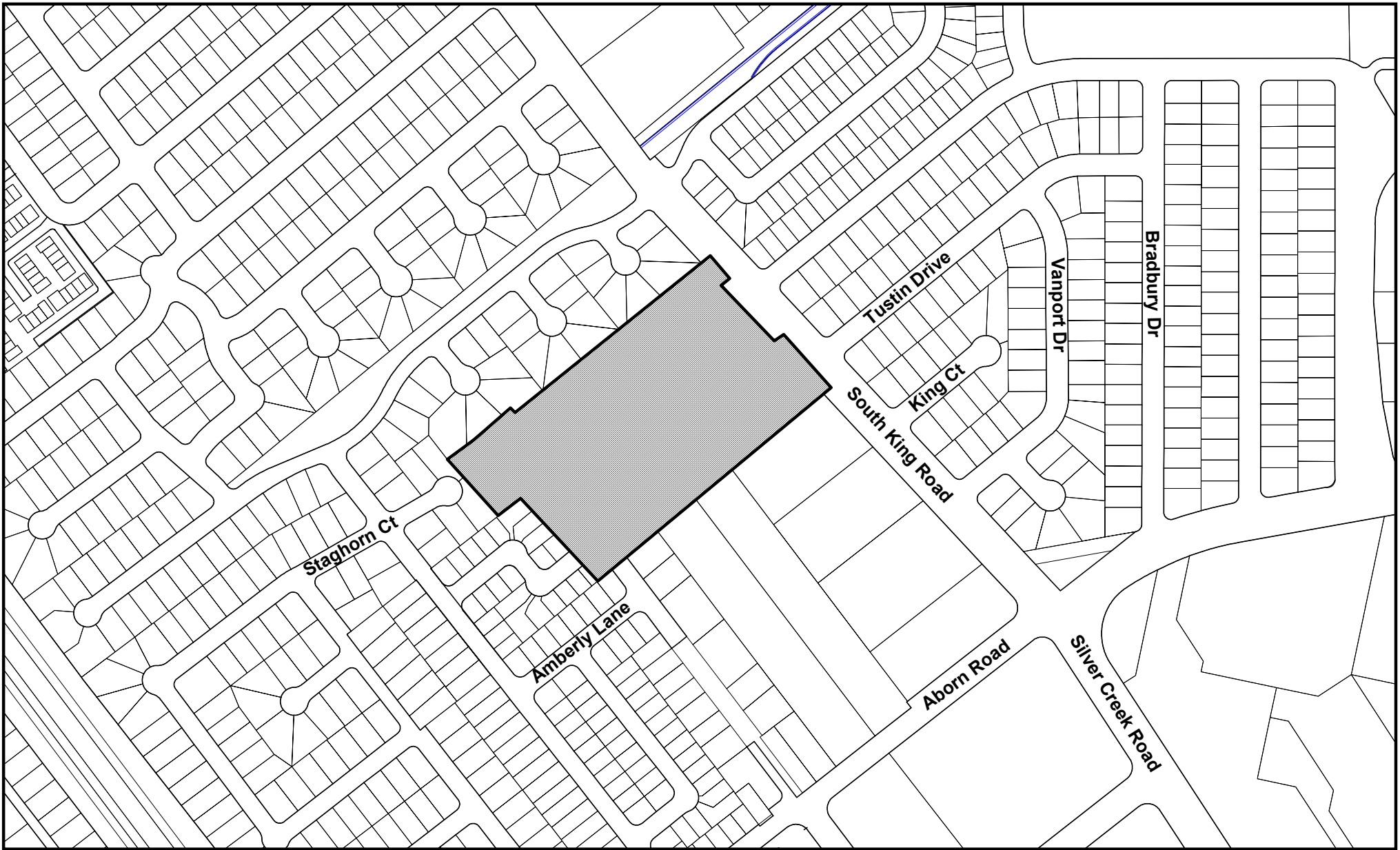
Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 500 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **October 13, 2004**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **September 24, 2004** and ends on **October 13, 2004**.

A public hearing on the project described above is tentatively scheduled for **October 13, 2004 at 6:00 p.m.** in the City of San Jose Council Chambers, 801 N. First Street, San Jose, CA 95110. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the Evergreen Branch Library 2635 Aborn Road, San José, CA 95121 San Jose, and online at <http://www.ci.san-jose.ca.us/planning/sjplan/eir/mnd2004.htm> Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **John W. Baty** at (408) 277-4576 or e-mail at john.baty@sanjoseca.gov.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: September 23, 2004

Deputy



Scale: 1"=360'
Date: 04/19/2004



File No: PDC04-025

District: 8

Quad No: 100

DRAFT
MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: King Road Self Storage

PROJECT FILE NUMBER: PDC04-025

PROJECT DESCRIPTION: Planned Development Zoning and subsequent permits to allow a self storage facility with RV/boat storage spaces, and a manager's office/residence, future radio transmitter building, existing transmitter/office building, and 3 radio transmission towers on a 9.91-acre site.

PROJECT LOCATION & ASSESSORS PARCEL NO.: Westerly side of King Road, approximately 800 feet northerly of Aborn Road (2905 S. King Road); (670-12-005 through -007)

COUNCIL DISTRICT: 7

NAME OF APPLICANT: Bay Area Self Storage

MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON:

Mike Walsh, 20725 Valley Green Drive, Cupertino, CA 95014
(408) 872-2277

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

AESTHETICS

- Trees and landscaping shall be provided.
- Downward-directed low-pressure sodium vapor street lights along the interior drive aisles shall be provided in order to prevent offsite light and glare.
- Public streets that are impacted by project construction activities shall be swept and washed down daily.
- Debris, rubbish and trash shall be cleared from any areas onsite that are visible from a public street.

AIR QUALITY

- The following construction practices shall be implemented during all phases of construction for the proposed project.
 - Water all active construction areas at least twice daily or as often as needed to control dust emissions.
 - Cover all trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
 - Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
 - Sweep daily or as often as needed with water sweepers all paved access roads, parking areas and staging areas at construction sites to control dust.
 - Sweep public streets daily, or as often as needed, with water sweepers, to keep streets free of visible soil material.
 - Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
 - Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) sufficient to prevent visible airborne dust.
 - Limit traffic speeds on unpaved roads to 15 mph.
 - Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - Replant vegetation in disturbed areas as quickly as possible.

BIOLOGICAL RESOURCES

- Approval shall be obtained with the PD Permit for the removal of any tree with a diameter of 18 inches (56-inch circumference) or greater; and any such tree that is removed shall be replaced with a tree(s) as required by the San Jose Tree Ordinance.
- Trees to remain shall be safeguarded during construction by a Tree Protection Plan, including measures such as the storage of oil, gasoline, chemicals, etc. away from trees; grading around trees only as approved, and prevention of drying out of exposed soil where cuts are made; no dumping of liquid or solid wastes in the dripline or uphill from any tree; and construction of

barricades around the dripline of the trees, as outlined in the City's Tree Ordinance, that shall be approved by the Planning Department prior to the issuance of a grading permit.

- Any Ordinance-sized (18-inch diameter or greater) tree that is removed shall be replaced by 4 new 24-inch box trees. Any tree between 12 and 17 inches in diameter that is removed shall be replaced with two 24-inch box trees. Any tree less than 12 inches in diameter shall be replaced with one 15-gallon tree. The project shall implement a landscaping plan to incorporate the replacement trees. The species of trees to be planted on the site shall be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement. In the event the developed portion of the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented at the project stage:
 - An alternative site(s) shall be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building and Code Enforcement.
 - A donation of \$300.00 per mitigation tree shall be made to Our City Forest for in-lieu offsite tree planting in the community. These funds shall be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for offsite tree planting shall be provided to the Director of Planning, Building and Code Enforcement prior to issuance of a grading permit.
- Pre-construction surveys for tree-nesting raptors shall be conducted by a qualified ornithologist within 30 days of the onset of ground disturbance, if ground disturbance is to occur during the breeding season (February 1st through August 31st); and if an active raptor nest is found on the site, the ornithologist, in consultation with the California Department of Fish and Game, shall determine the extent of a construction-free buffer zone to be established around the nest, the buffer zone shall be fenced, and no construction equipment or workmen shall enter the enclosed buffer zone until the conclusion of the breeding season.
- A pre-construction survey for burrowing owls shall be conducted by a qualified ornithologist within 30 days prior to any ground disturbance activities.
- A buffer zone of a minimum of 250 feet shall be established around active burrowing owl nesting sites if nesting burrowing owls are discovered during pre-construction surveys conducted between February 1st and August 31st, and no disturbance shall occur within the buffer zone until a qualified biologist has determined that the young birds have fledged; and at least 6.5 acres of foraging habitat contiguous with the occupied burrow site shall be protected for each pair of breeding burrowing owls (with or without dependent young) or single unpaired resident bird.
- No disturbance shall occur within 160 feet of occupied burrows if over-wintering burrowing owls are discovered using the site during the non-breeding season (September 1st through January 31st); and at least 6.5 acres of foraging habitat contiguous with the occupied burrow site shall be protected for each pair of burrowing owls or single unpaired resident bird.
- If any burrowing owls are discovered using the site during the pre-construction surveys during the non-breeding season, a burrowing owl relocation plan to be approved by the

California Department of Fish and Game shall be developed and implemented, including passive measures such as installation of one-way doors in active burrows for up to four days, careful excavation of all active burrows after four days to ensure no owls remain underground, and filling all burrows in the construction area to prevent owls from using them.

CULTURAL RESOURCES

- Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:
 - In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission, who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
- Construction personnel shall be alerted to the potential for the discovery of archaeological materials, e.g., darker than surrounding soils, evidence of fires (ash, charcoal, fire affected rock or earth), concentrations of stone, bone or shellfish, and artifacts of these materials.
- Should evidence of prehistoric cultural resources be discovered during construction, work within 50 feet of the find shall be stopped to allow adequate time for evaluation and mitigation, and a qualified professional archaeologist called in to make an evaluation; the material shall be evaluated; and if significant, a mitigation program including collection and analysis of the materials prior to the resumption of grading, preparation of a report and curation of the materials at a recognized storage facility shall be developed and implemented under the direction of the Director of the Planning Division.

GEOLOGY AND SOILS

- The project shall be designed and constructed to ensure structural stability as required by the earthquake design regulations of the Uniform Building Code.
- All earthwork and foundation plans and specifications shall comply with the recommendations of the Geotechnical / Soil and Foundation Investigation by Advance Soil Technology, Inc. The geotechnical report lists approximately 20 recommendations that are included in the project for site grading, foundations, slabs-on-grade, retaining walls, utility trenches, drainage, and pavement design, most of which reflect standard engineering practices that are not required to mitigate environmental impacts. The recommendations that specifically address potential geotechnical hazards found on the site are included below.

- Continuous perimeter and interior isolated spread footings or structural rigid mat foundations shall be utilized in any residences subjected to expansive soils movement.
- Drainage shall be controlled and directed away from all structures and pavements.
- A City approved erosion control plan shall be developed and implemented with such measures as: 1) the timing of grading activities during the dry months, if feasible; 2) temporary and permanent planting of exposed soil; 3) temporary check dams; 4) temporary sediment basins and traps and/or 5) temporary silt fences.

HYDROLOGY AND WATER QUALITY

- A Notice of Intent and a Storm Water Pollution Prevention Plan that addresses both construction and post-construction periods and specifies erosion and sediment control measures, waste disposal controls, maintenance responsibilities, and non-stormwater management controls, shall be submitted to the RWQCB and maintained onsite, respectively, to comply with the stormwater discharge requirements of the NPDES General Permit.
- A Storm Water Pollution Prevention Plan (SWPPP) in compliance with the local NPDES permit shall be developed and implemented including: 1) site description; 2) erosion and sediment controls; 3) waste disposal; 4) implementation of approved local plans; 5) proposed post-construction controls, including description of local post-construction erosion and sediment control requirements; 6) Best Management Practices (BMP) such as the use of infiltration of runoff onsite, first flush diversion, flow attenuation by use of open vegetated swales and natural depressions, stormwater retention or detention structures, oil/water separators, porous pavement, or a combination of these practices for both construction and post-construction period water quality impacts; and 7) non-storm water management.
- The project shall incorporate the following site design, source control, and treatment measures to minimize the discharge of stormwater pollutants:
 - Bioswales and pervious paving shall be incorporated into the RV and boat parking area.
 - A Continuous Deflective Separation (CDS) unit to treat stormwater flows shall be installed near the outfall of the storm drainage system.
 - No outdoor vehicle maintenance shall be allowed.
 - Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever possible.
 - Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris.

NOISE

- Mechanical ventilation shall be provided in accordance with Uniform Building Code requirements when windows are to be closed for noise control.
- The manager's yard shall be set back from the easterly property line by approximately 40 feet, and a 7-foot-high noise attenuation fence shall be constructed around the yard.

- Windows and doors shall be maintained closed, and/or STC rated windows and doors shall be installed in the manager's office/residence to achieve a 45 dB DNL interior level to the satisfaction of the Director of Planning, Building and Code Enforcement.
- Construction operations within 500 feet of any residential unit shall be scheduled for the daytime hours of 7:00 a.m. to 7:00 p.m. Monday through Friday so as to avoid the more sensitive evening, nighttime and weekend hours.
- All construction equipment, fixed or mobile, shall be in proper operating condition and fitted with standard factory silencing features; mufflers shall be used on all heavy construction equipment.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **October 13, 2004**, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or
- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a \$50 filing fee. The written protest should make a "fair argument" based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: September 23, 2004

Deputy

Adopted on: _____

Deputy

PUBLIC HEARING NOTICE

The Planning Commission and the City Council of the City of San José will consider a change in **ZONING AND DEVELOPMENT PERMITS** at a public hearing in accordance with Title 20 of the San José Municipal Code on:

Planning Commission Hearing
Wednesday, October 13, 2004

6:00 p.m.

City Council Chambers, Room 205
City Hall
801 North First Street
San Jose, CA 95110

City Council Hearing
Tuesday, October 19, 2004

7:00 p.m.

City Council Chambers, Room 205
City Hall
801 North First Street
San Jose, CA 95110

The project being considered is:

PDC04-025. Planned Development Rezoning from R-1-2 Residential Zoning District to A(PD) Planned Development Zoning District to allow up to 158,650 square feet of mini storage uses, outdoor RV/boat storage, a 2,700 square foot manager's office/residence, a 1,250 square foot radio transmitter building, continued operation of an existing 8,050 square foot transmitter/office building and (3) three existing radio transmission towers on a 9.91 gross acre site.

PD04-019. Planned Development Permit for consideration of the final site, architectural and landscape designs for the project as described above.

PT04-024. Tentative Map to reconfigure 3 existing subject parcels into 6 lots for commercial purposes.

The project site is located at/on the West side of South King Road approximately 780 feet northerly of Aborn Road (Entravision Communications Corp, Owner). Council District 7. SNI: West Evergreen. CEQA: Mitigated Negative Declaration.


Reports, drawings, and documents for this project are on file and available for review, and a permit with recommendations will be available for your review during the week of the public hearing from **9:00 a.m. to 5:00 p.m.**, Monday, Wednesday, Fridays, and from **10:00 a.m. to 5:00 p.m.** Tuesday and Thursdays at:

Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, CA 95110
(408) 277-4576
www.ci-san-jose.ca.us/planning/sjplan/

You are welcome to attend and to speak on this issue. To arrange an accommodation under the Americans with Disabilities Act to participate in this meeting, please call (408) 277-4576 (Voice) at least 48 hours before the meeting.

** If you choose to challenge this land use decision in court, you may be limited to only those issues you, or someone else, raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing.*

Comments and questions are welcome and should be referred to the **Project Manager, Reena Mathew**, at the e-mail address: reena.mathew@sanjoseca.gov in the Department of Planning, Building and Code Enforcement. Please refer to the above file number for further information on this project.



Joseph Horwedel,
Deputy Director, Plan Implementation Division
Dated: **September 23, 2004**

Lee Price, CMC
City Clerk

Noticing Radius: **500 ft**

SECTION 20.120.400 OF THE SAN JOSE MUNICIPAL CODE
ESTABLISHES A FORMAL PROTEST PROCEDURE FOR REZONINGS
AND PREZONINGS BEFORE THE CITY COUNCIL

If you are the owner of property to be rezoned, or if you own property adjacent to or across the street from a proposed rezoning or prezoning, you may file an Official Protest. Such protest must be made on a form provided by the Director of Planning and must be filed in the Department of Planning, Building and Code Enforcement **by 5:00 p.m.** on the fifth day before the City Council opens its public hearing on the proposal (that is, the Thursday before a Tuesday hearing). A separate protest petition shall be filed for each separate protesting site. Contact the Department of Planning, Building and Code Enforcement if you have any questions.